

**SENATE JOURNAL
62ND LEGISLATURE
SIXTEENTH LEGISLATIVE DAY**

Helena, Montana
January 21, 2011

Senate Chambers
State Capitol

Senate convened at 1:00 p.m. President Peterson presiding. Invocation by Chaplain Keith Johnson. Pledge of Allegiance to the Flag.

Sergeant-at-Arms Clark escorted the Honorable Jim Rice, Justice of the Supreme Court, into the Chamber. Justice Rice administered the official oath to Carmine Mowbray, Senate District 6.

Senator Mowbray addressed the Senate.

Roll Call. All members present, except Senator Vincent, excused. Quorum present.

BILLS AND JOURNALS:

1/21/2011

Correctly printed: **SB 11, SB 24, SB 38, SB 39, SB 47, SB 55, SB 69.**

Correctly engrossed: **SB 66, SB 108, SB 128, HB 1.**

REPORTS OF STANDING COMMITTEES

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Balyeat, Chairman):
SB 51, introduced bill, be amended as follows:

1/21/2011

1. Title, page 1, line 6.

Following: "DRAWINGS;"

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2.

Following: line 2

Insert: "NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 158, introduced bill, be amended as follows:

1. Page 2.

Following: line 6

Insert: "(i) the cost incurred by an entity listed under subsection (4)(a) was less than \$200;"

Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

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SB 186, do pass. Report adopted.

FINANCE AND CLAIMS (Lewis, Chairman):

1/21/2011

HB 1, be amended as follows:

1. Page 1, line 14.

Strike: "\$2,903,732"

Insert: "\$2,827,566"

2. Page 1, line 15.

Strike: "4,687,281"

Insert: "4,609,477"

3. Page 1, line 16.

Strike: "640,237"

Insert: "616,237"

4. Page 1, line 20.

Strike: "\$192,104"

Insert: "\$101,521"

5. Page 1, line 21.

Strike: "334,666"

Insert: "161,000"

6. Page 1, line 22.

Strike: "16,500"

Insert: "7,663"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Murphy, Chairman):

1/21/2011

SB 106, do pass. Report adopted.

TAXATION (Tutvedt, Chairman):

1/21/2011

SB 75, introduced bill, be amended as follows:

1. Page 1.

Following: line 22

Insert: "(b) the department holds a public hearing on the alternative office hours in the county seat after providing public notice in a newspaper of general circulation published in the county at least 2 weeks prior to the hearing;"

Renumber: subsequent subsections

2. Page 1, line 24.

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Strike: "(4)(b)"

Insert: "(4)(c)"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

1/20/2011

HB 18, introduced by Taylor

HB 44, introduced by Hoven

HB 127, introduced by Noonan

HB 141, introduced by K. Peterson

HB 204, introduced by Salomon

MOTIONS

Sen. Tutvedt moved to suspend the rules to allow Sen. Mowbray until Legislative Day 23 to request two bill drafts. Without objection, motion carried.

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 205, introduced by Olson, referred to Energy and Telecommunications.

SB 206, introduced by Jones, K. Peterson, Brown, Mehlhoff, Cook, Milburn, referred to Natural Resources.

SB 207, introduced by Moore, Warburton, referred to Agriculture, Livestock and Irrigation.

SB 208, introduced by Erickson, referred to Education and Cultural Resources.

SB 209, introduced by Tutvedt, referred to Local Government.

SB 210, introduced by Tutvedt, referred to Public Health, Welfare and Safety.

SB 211, introduced by Hutton, referred to Highways and Transportation.

SB 212, introduced by Ripley, Warburton, referred to Fish and Game.

SPECIAL ORDERS OF THE DAY

Senator Lake read the following Joint Proclamation honoring the YMCA:

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**A JOINT PROCLAMATION OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE STATE OF MONTANA
HONORING THE YMCA**

January 21, 2011

WHEREAS, YMCAs throughout America have provided immeasurable benefits to people of all ages for 160 years and the Montana Alliance of YMCAs has served our communities since 1885 when the first Y was organized in Helena; and

WHEREAS, thousands of families in Montana benefit directly from the YMCA's extensive programming for all ages through their focus on youth development, healthy living, and social responsibility; and

WHEREAS, more than 300 Montana high school students learn about civic responsibility by participating in the annual YMCA Youth in Government program which includes the student legislature program; and

WHEREAS, no person is turned away for inability to pay, the Montana YMCAs provide more than \$2.3 million of annual support to our communities; and

WHEREAS, more than 3,640 individuals volunteer at the Y each year making the Montana Alliance of YMCAs one of the largest volunteer-driven organizations in Montana.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND SENATE OF THE STATE OF MONTANA that the Montana alliance of YMCA's be recognized for its contributions to the citizens of Montana and that January 21, 2011 be declared "Support the Montana Alliance of YMCAs Day."

President of the Senate
Jim Peterson

Speaker of the House
Mike Milburn

Minority Leader
Carol Williams

Majority Leader
Tom McGillvray

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Essmann moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Gillan in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 5 - Senator Brown moved **SB 5** do pass. Motion carried as follows:

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Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 44

Nays: Balyeat, Hinkle, Shockley, Sonju, Van Dyk.
Total 5

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 10 - Senator Hinkle moved **SB 10** do pass.

SB 10 - Senator Jent moved consideration of **SB 10** be passed for the day.

Yeas: Arthun, Augare, Balyeat, Blewett, Branae, Brenden, Buttrey, Caferro, Erickson, Essmann, Facey, Gillan, Hamlett, Hawks, Hinkle, Jackson, Jent, Jones, Kaufmann, Lake, Larsen, Lewis, Moore, Moss, Olson, Priest, Ripley, Shockley, Steinbeisser, Stewart-Peregoy, Tropila, Van Dyk, Vuckovich, Wanzenried, Williams, Wittich, Mr. President.
Total 37

Nays: Barrett, Brown, Gallus, Hutton, Keane, Mowbray, Murphy, Sonju, Tutvedt, Walker, Windy Boy, Zinke.
Total 12

Absent or not voting: None.
Total 0

Excused: Vincent.
Total 1

SB 46 - Senator Tropila moved **SB 46** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.
Total 49

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Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

SB 53 - Senator Balyeat moved **SB 53** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

SB 74 - Senator Steinbeisser moved **SB 74** do pass. Motion carried as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

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Senator Essmann moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Peterson in the chair. Chairman Gillan moved the Committee of the Whole report be adopted. Report adopted as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

MOTIONS

Senator Jent moved **SB 10** be moved from the Committee of the Whole committee to the Judiciary committee. Without objection, so ordered.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 11 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

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Excused: Vincent.

Total 1

SB 38 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

SB 47 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Brenden, Brown, Buttrey, Essmann, Gallus, Hamlett, Hinkle, Hutton, Jackson, Jent, Jones, Lake, Lewis, Moore, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Tutvedt, Van Dyk, Vuckovich, Walker, Wittich, Zinke, Mr. President.

Total 33

Nays: Blewett, Branae, Caferro, Erickson, Facey, Gillan, Hawks, Kaufmann, Keane, Larsen, Moss, Stewart-Peregoy, Tropila, Wanzenried, Williams, Windy Boy.

Total 16

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

SB 55 passed as follows:

Yeas: Arthun, Augare, Balyeat, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hinkle, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moore, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich,

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Walker, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 49

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

SB 69 passed as follows:

Yeas: Arthun, Augare, Barrett, Blewett, Branae, Brenden, Brown, Buttrey, Caferro, Erickson, Essmann, Facey, Gallus, Gillan, Hamlett, Hawks, Hutton, Jackson, Jent, Jones, Kaufmann, Keane, Lake, Larsen, Lewis, Moss, Mowbray, Murphy, Olson, Priest, Ripley, Shockley, Sonju, Steinbeisser, Stewart-Peregoy, Tropila, Tutvedt, Van Dyk, Vuckovich, Wanzenried, Williams, Windy Boy, Wittich, Zinke, Mr. President.

Total 45

Nays: Balyeat, Hinkle, Moore, Walker.

Total 4

Absent or not voting: None.

Total 0

Excused: Vincent.

Total 1

SPECIAL ORDERS OF THE DAY

Sen. Brown thanked the Pages for their work during the week of January 17-22, 2011.

Sen. Williams raised a point of personal privilege regarding a proposed special event to be held at the Capitol which would charge fees for attending the special event. President Peterson agreed the Capitol belongs to the people of Montana and will not be used for fundraising events.

UNFINISHED BUSINESS

Senator Brenden noted the following changes to Senate Standing Committee:

Judiciary—Terry Murphy Chairman, Jim Shockley, Vice Chairman

Ethics—Debbie Barrett, Chairman

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Health—Jason Priest, Chairman, Terry Murphy, Vice Chairman

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Essmann moved that the Senate adjourn until 8:00 a.m., Saturday, January 22, 2011. Motion carried.

Senate adjourned at 2:15 a.m.

MARILYN MILLER
Secretary of the Senate

JIM PETERSON
President of the Senate